IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.740 OF 2002

Nanda K. Udeshi ..Petitioner.

Vs.

M.P. Arya Vidya Sabha & Ors. .. Respondents.

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Mr. Manish Mistry i/b M/s. M.P. Vashi & Associates for the petitioner.
Ms. Anupama Shah for respondent Nos.1 and 2.
Ms. Sindhu Shankaran for respondent No.3.

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CORAM : DR.D.Y.CHANDRACHUD, J.

12th January, 2005.

P.C. :

1. The Petitioner was appointed purely in a temporary vacancy for the period from 13th June, 1996 to 30th April, 1997 as an Assistant Teacher. The letter of the Education Inspector dated 25th September, 1996 (Exhibit B) granting approval was specifically on this basis. The services of the Petitioner were discontinued by a letter dated 17th March, 1997. The Petitioner had no vested right to continue after the period of the temporary appointment came to an end. In the memo of appeal that was filed before the School

Tribunal the contention of the Petitioner was that since he was working on a clear vacancy from 1st October, 1995, she should be treated as a “deemed probationer”. The management in its written statement submitted that the services of the Petitioner were terminated during the probationary period on the ground that they were not satisfactory. Even on the assumption that the Petitioner was a probationer as is sought to be submitted, the School Tribunal in paragraph 23 of its judgment found that there were valid and sufficient grounds for dispensing with the services of the Petitioner. To the contention of the management that the Petitioner was habituated to reporting for work at 10.30 a.m. instead of 7.20 a.m. which was the stipulated hour, the Petitioner only contended that the other teachers were also reporting late. To the contention of the management that the Petitioner was not maintaining the work book as required, the Petitioner claimed that this was not a compulsory requirement.

2. In my view, considering the matter from either perspective there is no merit in the Petition. The Petitioner's letter of

appointment clearly shows that the appointment was made on a temporary basis and approved for a period ending on 30th April, 1997. Even on the assumption that the Petitioner was a probationer, the management produced sufficient material to show that the services were not found to be satisfactory and were accordingly discontinued. There is no merit in the Petition which is accordingly rejected.